



CENTRAL SECURITY SERVICE

FORT GEORGE G. MEADE, MARYLAND 20755

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The Honorable Edward P. Boland  
Chairman, Permanent Select  
Committee on Intelligence  
House of Representatives  
Washington, DC 20515

Dear Chairman Boland:

The purpose of this letter is to express to you my concern about House of Representative action last week which removed a general exemption for the National Security Agency (NSA) from section 1111 (limiting certain Department of Defense (DoD) polygraph programs) of the 1984 DoD Authorization Bill. As you may know, the subject of DoD polygraph programs had arisen during Senate consideration of its authorization bill, and after a similar expression of my concern, Senator Chafee had kindly undertaken to lead efforts to ensure that a provision permitting continuation of NSA polygraph programs would be included in the Senate bill, which occurred, I understand, with bipartisan support. I trust you can understand my concern that the House's action could result in legislation impairing what I believe is a vital component of NSA's overall personnel security program, as explained in somewhat greater detail below. Needless to say, I request you advise me if I can provide any other assistance or information which would be useful in avoiding this possibility.

By way of general background, I should state that the "NSA Polygraph Program" includes three types of polygraph interviews: (a) a general polygraph-assisted interview as a required part of the initial clearance process for NSA civilian employees and employees of some NSA contractors--this program has been in effect for over thirty years; (b) the so-called "aperiodic" program, instituted only last Fall--limited, mandatory counterintelligence polygraph interviews of randomly selected civilian employees, military assignees and the employees of NSA contractors; and (c) infrequently, specific "investigative" interviews in respect to discrete incidents (e.g., suspected fraud, unauthorized disclosures). The NSA program as just summarized is applicable to NSA civilian employees, military assignees to NSA, NSA contractors' employees as to whom NSA has security cognizance, and detailees to NSA with SCI access: the simple fact of receipt of NSA information does not place an individual within the program. Polygraph interviews are conducted in accordance with DoD guidelines, which prohibit the taking of action concerning an individual solely on the basis of the results of the polygraph examination, with "results" in this sense understood to be indications on the

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polygraph "chart," not any substantive information which might be developed in the course of a polygraph interview.

With respect to these three "types" of programs, the first, "clearance" polygraph-assisted interviews, have, as stated, long been utilized by NSA and provide the principal experience upon which NSA security personnel base their general confidence in the polygraph as a useful interview/investigative technique. As you can appreciate, however, the clearance polygraph is of limited utility as a counterespionage technique, since agent recruitment would most likely occur after an individual had secured a security clearance--there is reason to believe, though, that clearance polygraphs are a deterrent to hostile penetration attempts. A major gap in the clearance process is that military assignees to NSA have not historically been polygraphed, either by NSA upon assignment or by the services in connection with their initial clearance decision.

The second type of program, the "aperiodic" counterintelligence polygraph interview of currently cleared civilian, military and contractor personnel, is a relatively recent development. Institution of this program can be traced to former Deputy Secretary Carlucci's memorandum of 5 August 1982, although I want to emphasize that NSA was contemporaneously analyzing the issues which would be raised by NSA's own implementation of such a program, and, further, that NSA has certain small, voluntary counterintelligence polygraph programs for personnel assigned to certain, closely-held compartments. As a practical matter, I recognize that perhaps the most significant aspect of Mr. Carlucci's directive was that it authorized the polygraphing of appropriately cleared military personnel, an action which had been a controversial matter within the Department of Defense. Further, I certainly understand that an aspect of Mr. Carlucci's decision was the substantial backlog which had developed with respect to security reinvestigations of currently cleared personnel. In any event, I believe the result of Mr. Carlucci's directive--the "aperiodic" polygraph program--to be an extremely significant upgrading of NSA's counterespionage program.

The third type of polygraph program, polygraph interviews in respect to specific matters under investigation, has long been authorized by DoD and NSA regulations, on a voluntary basis. NSA's most frequent usages in this respect have been in connection with the investigation of security issues raised by possible illegal or improper actions, or unauthorized disclosures by currently cleared personnel. National Security Decision Directive 84, issued in April 1983, directed a modification of this type of polygraph interview by authorizing agencies to require

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individuals to participate in polygraph interviews in connection with the investigation of specific unauthorized disclosures, and to withdraw access to classified information (or, take other "appropriate administrative action") if an individual declines to participate. NSA has revised its regulations to authorize such mandatory polygraph interviews. No unauthorized disclosure investigative polygraphs under this mandatory program have yet been directed. I am certain that such polygraph interviews will only be required in cases with serious security ramifications and when other information provides indications that the interviews will be useful.

As I am certain you appreciate, section 1111 of the House DoD Authorization Bill as it now stands would have the effect of precluding the second ("aperiodic") and third ("investigative") types of NSA polygraph programs in their current "mandatory" form. Subsection (b) of the counterpart provision in the Senate DoD Authorization Bill (stating, "The restrictions prescribed in subsection (a) with respect to the use of polygraph examinations in the Department of Defense shall not apply to the National Security Agency of the Department of Defense") has the opposite effect, and would permit continuation of the NSA programs described above. Of course, I prefer the Senate version and would request that you consider action aimed at similarly maintaining these important NSA personnel security programs.

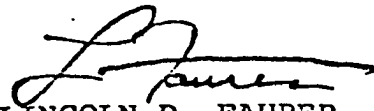
On the subject of NSA's polygraph programs in general, I want to assure you of my personal concern and satisfaction that NSA's utilization of the polygraph is free of abuse and reasonable and prudent overall. NSA polygraph interviewers are well-trained, experienced and closely supervised, and stringent quality control and privacy protection precautions are taken. There is full disclosure to participants in the various polygraph interviews of the purpose and nature of the interview, and all questions (except for "control" questions) to be asked in the interview are reviewed with the participant; all individuals are provided a form stating the purpose and possible uses of the polygraph interview. Even under the "mandatory" programs, any particular polygraph interview will be halted at the request of the participant. Most importantly, to repeat what was said before, no action may be taken concerning an individual based solely on the results of the polygraph examination. The effectiveness of these precautions is established by the fact that the NSA polygraph program is generally held in high regard and there have been, to my knowledge, no sustainable allegations of abuse or malpractice over its extended history. I will, of course, insist that these same high standards be maintained in any NSA program.

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I recognize that controversy surrounds the general subject of "polygraphing" and that this controversy has perhaps been heightened by concern that mandatory "investigative" polygraphs in unauthorized disclosure cases might be misused. Although I believe that the "mandatory" nature of both the aperiodic and investigative programs is essential to their success, I want to assure you that even a refusal to participate in either of these two "mandatory" interview programs would not necessarily lead to any adverse action or even a withdrawal of clearance, since many additional factors would also have to be evaluated in such a case. The draft DoD Polygraph Program Regulation listing of such factors (e.g., the individual's reason(s) for refusal; record of service/performance; other information affecting the individual's clearance status; the sensitivity of the information involved) simply states the kind of common-sense considerations that I would insist upon in any such matter. In any event, investigative polygraphs have always been relatively infrequent and I would not anticipate that the authority to direct mandatory polygraphs in the investigation of unauthorized disclosures would lead to any substantial increase in their occurrence; certainly, in view of the concerns I understand exist, I will require modification of NSA internal directives to ensure that all such polygraph interviews are personally approved by me and I will permit their usage only in cases concerning serious unauthorized disclosures.

I trust that these assurances, in light of NSA's extensive and abuse-free experience with polygraph interviews, are sufficient to convince you that the Agency should be permitted to continue its current uses of this useful investigative technique.

Sincerely,



LINCOLN D. FAURER  
Lieutenant General, USAF  
Director, NSA/Chief, CSS